HEATHER FERBERT, City Attorney
KEVIN KING, Chief Deputy City Attorney
California State Bar No. 309397
JORDAN B. DUBOIS, Deputy City Attorney
California State Bar No. 307545
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 533-5800
Facsimile: (619) 533-5856
E-Mail: duboisj@sandiego.gov

Attorneys for Plaintiff,
The People of the State of California

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
8/5/2026 4:05:30 PM

Clerk of the Superior Court
By C. Martinez ,Deputy Clerk

Exempt from fees per Gov't Code § 6103
To the benefit of the City of San Diego

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

The People of the State of California,

Plaintiff,

v.

Wadeea Wadeea, individually; G & Tito Inc.; IBW Trading Inc.; OB Smokers Inc.; Logan Trading Inc.; Roll Up Trading Inc.; HWM Trading Inc.; Federal Smoke Shop, Inc.; Mira Mesa Smoke and Vape Inc.; C.W. Trading Inc.; Dream City One Inc.; Prime Smoke & Vape; and Does 1-20 inclusive,

Defendants

Case No. 26CU041959C

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES UNDER THE UNFAIR COMPETITION LAW (Bus. & Prof. Code § 17200, Et Seq.)

(UNLIMITED MATTER Amount Demanded Exceeds $35,000)

The People of the State of California (the People), acting by and through San Diego City Attorney Heather Ferbert, allege the following based on information and belief:

1. Kratom is a dangerous drug often marketed and sold as a harmless herbal supplement. Kratom is a tropical plant which contains two psychoactive substances, mitragynine and 7-hydroxymitragynine (also called 7-OH), which act as stimulants when ingested in small doses but as sedatives in larger doses. 7-OH is often concentrated from kratom plants or synthetically produced from mitragynine and added back into commercially available kratom products because of its increased potency as an intoxicant.

2. Kratom is dangerous to ingest. The U.S. Food and Drug Administration (FDA) has expressed serious concerns regarding kratom's toxicity in multiple organ systems, noting that kratom use can cause "respiratory depression, nervousness, agitation, aggression, sleeplessness, hallucinations, delusions, tremors, loss of libido, constipation, skin hyperpigmentation, nausea, vomiting, and severe withdrawal signs and symptoms."[1] 7OH is particularly dangerous, with an FDA study finding that "repeated or prolonged use of 7-OH would lead to tolerance, physical dependence, and potentially to opioid addiction."[2]

3. As kratom use has increased in recent years, so have the negative health impacts of its use. The Center for Disease Control (CDC) found a 1,200% increase in kratom-related hospitalizations in the last decade, with a particularly sizeable increase in 2025 coinciding with "with the emergence of high-potency, semisynthetic formulations, including" 7OH.[3] Numerous deaths have been attributed to kratom consumption: the CDC has identified at least 233 kratom-associated deaths nationally between 2015 and 2025. The San Diego County Medical Examiner has identified 38 kratom-related deaths in San Diego County since 2021.[4]

4. Despite the dangers they pose to users, both kratom and 7-OH are commonly sold as tablets, powdered extracts, and liquid shots in an array of professionally branded and packaged products, primarily through tobacco retailers. Such products are often labeled to imply that they are organic, natural, and wholistic. The FDA has found that kratom and 7OH "is

---

[1] U.S. Food & Drug Admin., Import Alert No. 54-15, Detention Without Physical Examination of Dietary Supplements and Bulk Dietary Ingredients That Are or Contain Mitragyna Speciosa (Kratom) ([02/21/2025]), https://www.accessdata.fda.gov/cms_ia/importalert_1137.html (last visited [08/04/2026]).

[2] U.S. Food & Drug Admin., 7-Hydroxymitragynine (7-OH): An Assessment of the Scientific Data and Toxicological Concerns Around an Emerging Opioid Threat. https://www.fda.gov/media/187899/download?attachment (last visited [08/04/2026]).

[3] Eleanor Blair Towers, Ynhi T. Thomas, Christopher P. Holstege, Rita Farah, "Increases in Kratom-Related Reports to Poison Centers — National Poison Data System, United States, 2015–2025," MMWR Morb Mortal Wkly Rep. 2026;75(11):146–151, https://www.cdc.gov/mmwr/volumes/75/wr/pdfs/mm7511-H.pdf (last visited [08/04/2026]).

[4] San Diego County Medical Examiner, *Medical Examiner Cases* (search results for "mitragynine" and "hydroxymitragynine"), San Diego County Open Data Portal, https://data.sandiegocounty.gov/Safety/Medical-Examiner-Cases/jkvb-n4p7/data_preview (last visited [08/04/2026]).

increasingly being marketed…in concentrated forms or sufficient doses to cause harms" to users.

5. Recognizing the grave danger 7-OH and mitragynine pose to the public, in 2016 the City of San Diego enacted San Diego Municipal Codes section 52.3302 (which classifies both as novel psychoactive drugs) and section 52.3303 (which prohibits the manufacture, distribution, sale, offer for sale, and possession for sale of novel psychoactive drugs.)

6. Despite this prohibition, Defendants continue to illegally sell kratom products at their eleven retail locations throughout the City of San Diego. These violations of municipal law constitute an unlawful business practice and violate California's Unfair Competition Law ("UCL") Bus. & Prof. Code §§ 17200-17210.

7. Defendants' conduct is also an unfair business practice under the UCL because Defendants maintain an advantage over their law-abiding competitors by profiting from the sale of prohibited products.

Jurisdiction and Venue

8. The Superior Court has original jurisdiction over this action pursuant to Article VI, Section 10 of the California Constitution, which grants the Superior Court original jurisdiction in all causes other than those specifically enumerated therein.

9. The Superior Court has personal jurisdiction over Defendants because: (i) Defendants' principal places of business are in the State of California, (ii) Defendants are authorized to and conduct business in and across this state, and (iii) Defendants otherwise have sufficient minimum contacts with and purposefully avail themselves of the markets of this state, thus rendering the Superior Court's exercise of jurisdiction consistent with traditional notions of fair play and substantial justice.

10. Venue is proper under Code of Civil Procedure section 393(a), because the illegal acts described below occurred in the City and County of San Diego.

Parties

11. The People of the State of California bring this civil enforcement action by and through San Diego City Attorney Heather Ferbert pursuant to California Business and Professions Code sections 17204 and 17206(a).

12. Defendant G & Tito, Inc. is a California corporation with its principal place of business in the City of San Diego – 4370 Palm Avenue, San Diego, CA 92154.

13. On information and belief, Defendant Wadeea Wadeea (Defendant Wadeea) is, and was at all relevant times, the owner, Chief Executive Officer (CEO), Chief Financial Officer (CFO), Secretary, and Agent of Service of G & Tito Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for G & Tito Inc. On information and belief, as the owner, CEO, CFO, and Secretary of G & Tito Inc, Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, CFO, and Secretary of G & Tito Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

14. Defendant IBW Trading, Inc. is a California corporation with its principal place of business in the City of San Diego – 1542 Palm Avenue, San Diego, CA 92154.

15. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, Secretary, and Agent of Service of IBW Trading, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for IBW Trading, Inc. On information and belief, as the owner, CEO, CFO, and Secretary of IBW Trading, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, CFO, and Secretary of IBW Trading, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

16. Defendant OB Smokers, Inc. is a California corporation with its principal place of business in the City of San Diego – 4812 Santa Monica Boulevard, San Diego, CA 92107.

17. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, and Agent of Service of OB Smokers, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for OB Smokers, Inc. On information and

belief, as the owner, CEO, and CFO of OB Smokers, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, and CFO of OB Smokers, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

18. Defendant Logan Trading, Inc. is a California corporation with its principal place of business in the City of San Diego – 3021 Adams Avenue, San Diego, CA 92116.

19. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, and Agent of Service of Logan Trading, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for Logan Trading, Inc. On information and belief, as the owner, CEO, and CFO of Logan Trading, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, and CFO, of Logan Trading, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

20. Defendant Roll Up Trading, Inc. is a California corporation with its principal place of business in the City of San Diego – 3543 University Avenue, San Diego, CA 92104.

21. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, and Agent of Service of Roll Up Trading, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for Roll Up Trading, Inc. On information and belief, as the owner, CEO, and CFO of Roll Up Trading, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, CFO of Roll Up Trading, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

22. Defendant HWM Trading, Inc. is a California corporation with its principal place of business in the City of San Diego – 5061 Federal Boulevard, San Diego, CA 92102.

23. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, and Agent of Service of HWM Trading, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for HWM Trading, Inc. On information and belief, as the owner, CEO, and CFO of HWM Trading, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, and CFO, of HWM Trading, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

24. Defendant Federal Smoke Shop, Inc. is a California corporation with its principal place of business in the City of San Diego – 4725 Federal Boulevard, San Diego, CA 92102.

25. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, and Agent of Service of Federal Smoke Shop, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for Federal Smoke Shop, Inc. On information and belief, as the owner, CEO, and CFO of Federal Smoke Shop, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, and CFO of Federal Smoke Shop, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

26. Defendant Mira Mesa Smoke and Vape, Inc. is a California corporation with its principal place of business in the City of San Diego – 9811 Mira Mesa Boulevard, San Diego, CA 92131.

27. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, Secretary, and Agent of Service of Mira Mesa Smoke and Vape, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for Mira Mesa

Smoke and Vape, Inc. On information and belief, as the owner, CEO, CFO, and Secretary of Mira Mesa Smoke and Vape, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, CFO, and Secretary of Mira Mesa Smoke and Vape, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

28. Defendant C.W. Trading, Inc. is a California corporation with its principal place of business in the City of San Diego – 8303 Clairemont Mesa Boulevard, San Diego, CA 92111.

29. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, Secretary, and Agent of Service of C.W. Trading, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for C.W. Trading, Inc. On information and belief, as the owner, CEO, CFO, and Secretary of C.W. Trading, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, CFO, and Secretary of C.W. Trading, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

30. Defendant Dream City One, Inc. is a California corporation with its principal place of business in the City of San Diego – 9225 Mira Mesa Boulevard, San Diego, CA 92126.

31. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, Secretary, and Agent of Service of Dream City One, Inc. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for Dream City One, Inc. On information and belief, as the owner, CEO, CFO, and Secretary of Dream City One, Inc., Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, CFO, and Secretary of Dream City One, Inc., which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the

UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

32. Defendant Prime Smoke & Vape is a California corporation with its principal place of business in the City of San Diego – 16588 Bernardo Center Drive, Ste. 140, San Diego, CA 92128.

33. On information and belief, Defendant Wadeea is, and was at all relevant times, the owner, CEO, CFO, Secretary, and Agent of Service of Prime Smoke & Vape. On information and belief, Defendant Wadeea is a Responsible Corporate Officer for Prime Smoke & Vape. On information and belief, as the owner, CEO, CFO, and Secretary of Prime Smoke & Vape, Defendant Wadeea is in a position of responsibility, allowing him to influence corporate policies and activities. On information and belief, there is a nexus between Defendant Wadeea's positions as owner, CEO, CFO, and Secretary of Prime Smoke & Vape, which sells illegal kratom products, and the violation in question – unlawfully selling kratom products in violation of the UCL. On information and belief, Defendant Wadeea's actions and inactions facilitated the UCL violations.

34. The true names or capacities of Defendants sued as Doe Defendants 1 through 20 are unknown to the People. The People are informed and believe, and on this basis, allege that each of the Doe Defendants are legally responsible for the conduct alleged herein. The People will amend its complaint to set forth the true names and capacities of the Doe Defendants and the allegations against them as soon as they are ascertained.

35. On information and belief, at all relevant times, each Defendant, including Doe Defendants, was the owner, agent, principal employee, employer, master, servant, partner, franchiser, joint-venturer, co-conspirator, aider, and abettor of each of its co-Defendants, and engages (and continues to engage) in the wrongful actions and inaction alleged herein and acted within the scope of its authority in such relationships with the permission and consent of each co-Defendant.

/ / /

/ / /

Facts

36. Defendant Wadeea owns and operates eleven retail stores in the City of San Diego under various limited liability companies (Defendants).[5]

37. Effective July 15, 2016, "[i]t is unlawful to manufacture, sell, offer to sell, offer for sale, distribute, or possess for sale any…Novel Psychoactive Drug." San Diego Municipal Code section 52.3303. 7-hydroxymitragynine and mitragynine, derived from kratom plants, constitute Novel Psychoactive Drugs. San Diego Municipal Code section 52.3302.

38. Despite the San Diego Municipal Code prohibition against selling kratom products, Defendants sold, and continue to sell, kratom products throughout the City of San Diego at their eleven retail locations.

39. Between March and May 2026, City investigators, acting undercover, visited all eleven of Defendants' stores. City investigators were offered and sold kratom products at all eleven locations. All eleven stores visited had kratom products openly displayed in their main retail space. City investigators also observed conspicuous signs on the exteriors of several of the

---

[5] "Deniro Smoke Shop" located at 4370 Palm Avenue, San Diego, CA 92154;

"IB Smoke Shop" located at 1542 Palm Avenue, San Diego, CA 92154;

"OB Smokers" located at 4812 Santa Monica Boulevard, San Diego, CA 92107;

"Adams Ave Smoke Shop" located at 3021 Adams Avenue, San Diego, CA 92116;

"Re Up Smoke Shop" located at 3543 University Avenue, San Diego, CA 92104;

"Red Eye" located at 5061 Federal Boulevard, San Diego, CA 92102;

"ZaZa Smoke and Vape" located at 4725 Federal Boulevard, San Diego, CA 92102;

"Mira Mesa Smoke and Vape" located at 9811 Mira Mesa Boulevard, San Diego, CA 92131;

"Exotic Smoke Shop" located at 8303 Clairemont Mesa Boulevard, San Diego, CA 92111;

"858 Smoke and Vape" located at 9225 Mira Mesa Boulevard, San Diego, CA 92126; and

"Prime Smoke and Vape" located at 16588 Bernardo Center Drive, Ste. 140, San Diego, CA 92128.

stores advertising kratom products.



40. Defendants' repeated, intentional, ongoing violations of the City of San Diego ban on the sale of kratom products constitute unlawful and unfair business practices under the UCL. The People seek injunctive relief ordering Defendant to cease selling kratom products and to pay appropriate civil penalties.

Cause of Action

Violation of Unfair Competition Law

(Cal. Bus. & Prof. Code §§ 17200-17210.)

41. All preceding factual statements and allegations are incorporated by reference.

42. The UCL, Business and Professions Code section 17200 prohibits "any unlawful, unfair or fraudulent business act or practice."

43. "Any person who engages, has engaged, or proposes to engage in unfair competition shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California … by any city attorney of a city having a population in excess of 750,000 … in any court of competent jurisdiction." Bus. & Prof. Code

§ 17206(a).

44. The Business and Professions Code section 17206.1(a) also provides: "In addition to any liability for a civil penalty pursuant to Section 17206, a person who violates this chapter, and the act or acts of unfair competition are perpetrated against one or more senior citizens or disabled persons, may be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which may be assessed and recovered in a civil action as prescribed in Section 17206."

45. Defendants are "person(s)" as defined by the Business and Professions Code section 17201, which includes "natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons."

46. Defendants' sale of products containing mitragynine or 7-hydroxymitragynine is unlawful under City of San Diego law and, therefore, constitutes an unlawful business practice under the UCL. Each sale of products containing mitragynine or 7-hydroxymitragynine, offer to sell such products, offer for sale of such products, distribution of such products, or possession for sale of such products, at each location, is a separate violation of the San Diego Municipal Code and, as such, constitutes a separate violation of the UCL.

47. Defendants' ongoing sale of products containing mitragynine or 7-hydroxymitragynine also constitutes an unfair business practice under the UCL. Defendants stock, sell, and profit from banned products, which leaves Defendants with an unfair advantage over its law-abiding retail store competitors.

48. The People seek an appropriate civil penalty under Business and Professions Code section 17206(a), up to $2,500 for each violation to hold Defendants accountable for their unlawful business acts or practices and to deter further violations of the law. The People also seek an additional appropriate civil penalty under Business and Professions Code section 17206.1(a)(1), up to $2,500 for each violation perpetrated against a senior citizen or disabled person.

49. Pursuant to California Business and Professions Code section 17203, the People are entitled to an injunctive order requiring Defendants to cease selling products containing

mitragynine or 7-hydroxymitragynine.

Prayer for Relief

Based on the above**,** the People request the following remedies:

50. Pursuant to Business and Professions Code section 17203, an order requiring Defendants to cease selling products containing mitragynine or 7-hydroxymitragynine in compliance with San Diego Municipal Code section 52.3303.

51. Pursuant to Business and Professions Code section 17206, Defendants be assessed a civil penalty in an amount, up to $2,500 for each violation of the UCL, as proven at trial;

52. Pursuant to Business and Professions Code section 17206.1, Defendants be assessed an additional civil penalty in an amount, up to $2,500 for each violation of the UCL perpetrated against a senior citizen or disabled person, as proven at trial;

53. The People recover such costs of this action, including costs of investigation; and

54. The People be granted such other and further relief as this Court may deem to be just and proper.

Dated: August 5, 2026

HEATHER FERBERT, City Attorney

By: _____

Jordan B. DuBois
Deputy City Attorney

Attorneys for Plaintiff,
The People of the State of California